

Study Session Minutes
Selah City Council
July 24, 2018
4:30pm

Mayor Raymond opened the Study Session.

Kelliann Ergeson, Chairperson for SPRSA, approached the podium and addressed the Council. She announced that the Selah Park & Recreation Service Area (SPRSA) Board called a special meeting to have a quorum in attendance, and introduced the members of the board to Council.

Mayor Raymond outlined the procedure for the meeting, allowing each Council Member time to ask his or her questions, but without discourse between Members to allow each one time to ask questions and receive answers.

Discussion included financing for the maintenance and operations of the pool if the levy failed to pass, the projected timeline for building the pool once a lease is secured and why they chose to push forward with construction, the financial impact on the cost of the pool if it isn't built this fall and the changes already made due to increased costs, the importance of the pool within the Selah community, suggestions for partnering with other entities for alternate funding, community concerns that nothing has been done since the passing of the bond in 2015, and when a levy measure could potentially be run again if the current one fails to pass.

The Study Session adjourned at 5:32pm.

City of Selah
Council Minutes
July 24, 2018

Regular Meeting
Selah Council Chambers
115 West Naches Avenue
Selah, WA 98942

A. Call to Order Mayor Raymond called the meeting to order at 5:39pm.

B. Roll Call

Members Present: Roger Bell; Russell Carlson; Diane Underwood; Jeremie Dufault; Jacquie Matson; Rachael Glaspie

Members Absent: John Tierney

Staff Present: Donald Wayman, City Administrator; Robert Noe, City Attorney; Dale Novobielski, Clerk/Treasurer; Gary Hanna, Fire Chief; Rick Hayes, Police Chief; Joe Henne, Public Works Director; Jeff Peters, Community Development Supervisor; Bree Tait, Civic Center Manager; Treesa Morales, Recreation Manager; Andrew Potter, Human Resources Manager; Monica Lake, Executive Assistant

C. Councilmember Absence – Motion to Excuse

Council Member Carlson moved, and Council Member Glaspie seconded, to excuse Council Member Tierney's absence. By voice vote, approval was unanimous.

D. Pledge of Allegiance

Mayor Raymond led the Pledge of Allegiance.

E. Invocation

Pastor Jason Williams gave the prayer.

F. Agenda Changes **None**

G. Public Appearances/Introductions/ Presentations **None**

H. Getting To Know Our Businesses **None**

I. Communications

1. Oral

Mayor Raymond opened the meeting.

Barb Petrea, 604 Lancaster Road, approached the podium and addressed the Council. She had a comment regarding the study session, saying that whenever she has a goal she wants to know the reality, what are the options and what's next. She said that she voted in favor of a new pool, and that the Selah Park & Recreation Service Area Board (SPRSA) has done everything they can, adding that to ask them to raise money is tough even with community support.

Seeing no one else rise to speak, Mayor Raymond closed the meeting.

2. Written **None**

J. Proclamations/Announcements **None**

K. Consent Agenda

Council Member Underwood noted a correction to the minutes on page ten, where the word daughter should have been the word niece.

Executive Assistant Lake read the Consent Agenda.

All items listed with an asterisk (*) were considered as part of the Consent Agenda.

- * 1. Approval of Minutes: July 10, 2018 Council Meeting
- * 2. Approval of Claims and Payroll:

Payroll Checks Nos. 81823 – 81932 for a total of \$254,465.73
Claim Checks Nos. 71580 – 71652 for a total of \$186,170.07
- * 3. Ordinance O – 1: Ordinance amending the 2018 Budget for upgrading Police radios

Council Member Bell moved, and Council Member Glaspie seconded, approval of the Consent Agenda as read. By voice vote, approval was unanimous.

L. Public Hearings **None**

M. General Business

1. New Business **None**

2. Old Business

a. Further Discussion re: Aquatic Center Lease

NOTE: This section is as verbatim as possible for clarity.

City Administrator Wayman: So this is a further discussion, over the question to be or not to be. Are we going to continue with the guidance that staff has received from the previous council to hold off on lease negotiations with SPRSA until after an M&O is approved or do those instructions change to immediately enter into negotiations with SPRSA for a lease. Just to give you an explanation of what those negotiations are, they're not gonna be too complex, it's a fairly standard lease that we would be talking about. We already have a draft ready to go, not entirely complete, we still have some work to do on it, and of course we would have to sit down with the SPRSA representatives to have that meeting and an agreement on the lease. We would return that lease, if the Council chose to approve that lease today; they wouldn't approve it but tell us to go into those negotiations. We would return that lease to this chamber on the first meeting in August during an executive session for discussion, then after the executive session you would give me instructions on what to do with it, I assume that you would say go forward, and then by the second meeting in August we could have an approval of that lease agreement. So, that would be the timing of the agreement. In the absence of any instruction, if the M&O levy passes on seventh, there's no need to give the City staff any instructions. We would immediately go into a lease negotiation with SPRSA that, in the absence of any further instruction, we would have that done and back to you on the same time frame that I just described.

Council Member Dufault: Would you repeat the timeline one more time please, Don?

City Administrator Wayman: So the timeline would be, if you gave me instructions tonight to go into this discussion with SPRSA, negotiations, we would contact them, represent our draft of the lease. They would respond, they would probably send it to their attorney for review, hopefully, and by that time, by the first meeting in August, which is the eleventh, we should have an answer for you, a proposal, and the Council would approve that, the proposed lease, I presume. And then we could take it back for final signature and present it as a finished document at our second meeting in August. Make sense?

Council Member Dufault: Yes. So we would enter, so we wouldn't enter into a lease until the eleventh or later.

City Administrator Wayman: The eleventh or later.

Council Member Dufault: I move that we authorize

City Administrator Wayman: No matter what happens, no matter what happens. Is it the eleventh, is that first?

Police Chief Hayes: It's the fourteenth.

City Administrator Wayman: Excuse me, the fourteenth. The fourteenth is our first meeting. It will be the fourteenth.

Council Member Dufault: **I move we authorize the City Administrator to enter into lease negotiations with SPRSA in accordance with the timeline you just outlined.**

Council Member Carlson: I have some, a couple questions about that. We talked about it being a, at last meeting you talked about it being a couple days, one to two day, have it up, doesn't sound like it's a very complex agreement. I'm confused by the timeline and why it should take this long. At the same time we're telling SPRSA wait, wait, wait and, but we can hurry it up after it passes.

City Administrator Wayman: I think the real issue is go into the lease in spite of maintenance and operations levy. This is the issue, do we do it, does the levy guide us or does it not. So, the direction is no matter what happens with the levy, the lease, we go forward with the lease. That's the real issue. Okay, so if you tell me tonight go forward with the lease agreement, no, not withstanding what happens on the seventh, see, what SPRSA needs to have is knowledge they're gonna have this piece of dirt to work on. Okay, so if I have the direction from Council to enter into the lease, I need time to work that lease, and I need time to be able to bring it back to you. I need to have time with the attorneys; I need to give SPRSA time to consider the lease, review it, and then come back to you with a finished document. So, so that's not, not difficult stuff. The hard part, the real crux of the issue here, is do you do it conditionally. Do you say enter into the lease only if the M&O passes, and that would be, you don't need to give me that instruction because I already have that from previous Council, or do you change that instruction tonight and say enter into the lease not withstanding what happens on the seventh. That's the real crux of the issue. So, don't get lost in the weeds on how we get this done. The attorneys need time to look at it, I need time to bring it back to you for review and approval, and that'll take probably to the end of August. So, the lease is gonna happen if you tell me to make it happen.

Council Member Glaspie: I have a quick question on that, cause I felt like I was pretty clear in the last one when I made a motion, when you instructed me to make a motion and then told me I didn't need to make a motion because you understood what I asked. I asked very specifically for discussion on a lease, and to be presented with a lease, and I was pretty disappointed when I got my Council packet and there was absolutely no lease.

City Administrator Wayman: Well, well that is not

Council Member Glaspie: Time out. There was absolutely no lease in there. And

City Administrator Wayman: That is absolutely not true.

Council Member Glaspie: That is the instruction. I watched, feel free to go watch Y-PAC, it's a minute thirty-five. I very specifically said that. My next issue is that, have, have you even gotten to a point where you're working on that lease already, cause you said it would take a day or two to get it going.

City Administrator Wayman: We have a draft of the lease.

Council Member Glaspie: Okay. So Bob, in your opinion would it actually take that long to pull up a lease, get it where you're feeling comfortable with it, send it to the attorney for SPRSA, get it back from them, and then have to have the Council review that. Would is that gonna take all the way 'til the end of August.

City Attorney Noe: Well, I think we could actually have, working with Don and working with their counsel, we could probably have something back by the next meeting.

Council Member Glaspie: Alright. It's something, I mean SPRSA's attorney is well aware of the situation and has a copy of the draft; you guys have a copy of the draft, where it's at. So it's not a negotiation at this point, it's more just ironing out details, correct.

City Administrator Wayman: Not necessarily, because as I said

Council Member Glaspie: I was asking Bob.

City Administrator Wayman: That was

Council Member Glaspie: I was asking Bob.

City Attorney Noe: From our perspective, at least from my perspective, the City administration already knows what the lease would look like, so it's a matter of meeting with SPRSA, their representatives, to see if they're okay with what we envision.

Council Member Carlson: Has there been, when they went to pass the levy last year was there a, a lease draft at that point that has, obviously has changed because the election, the levy has changed, but.

City Attorney Noe: We've been working on a lease draft with them for a, dating back to I think 2015. So it's always been a work in progress, it's just been put in abeyance because of the previous from Council.

Council Member Underwood: One question. I, what I guess I don't understand about this lease, what has made it change so much, it's just a piece of land. They're gonna build a new pool on it for the city, for the community. How much has work has to go into this new lease when it's just a piece of property that is just being, I mean, I work where we donate, got a van donated to an organization for a dollar a year. It didn't matter what we did with the van as long as we kept it insured.

City Administrator Wayman: So, we have not had one meeting with SPRSA on this new lease. We have to sit down with them and have a face to face discussion. There can be no lease without their approval and agreement, okay? So we need to have a draft that's approved by this Council, okay, before we take it back to them for consideration. Now, if you're telling me take it to them then take it back to Council, okay, without a discussion, fine we can do that. But usually when I get a contract I negotiate the contract, bring back the draft, which we have preliminary approval on from both parties, and then you tell us it's okay and then we go forward. If you want to short-circuit that, if you want to change that procedure, that's fine.

Council Member Underwood: What I was saying is it's just the same lease on the same piece of property, there's a new pool.

City Administrator Wayman: No, there's, there's, it's not the same lease.

Council Member Glaspie: But it is something that we, I mean, it's not something that we necessarily have to have a special meeting or meet again or push it out to a next Council Meeting, correct? I mean if both parties enter, are in an agreeance of our legal counsel and in agreeance of this lease, then I mean, the Mayor has the authority to, if we go forward the Mayor would have the authority.

City Administrator Wayman: So if you're saying Don change the way you do this, the way you would normally do this, go get preliminary approval or agreement with SPRSA, bring it back to us on the fourteenth, I can do that. But that's not what I would normally do.

Council Member Carlson: Do we know, do we know what their ask is? Do we know what SPRSA wants in the lease?

City Administrator Wayman: Well, this is why this is why.

Council Member Carlson: My question is, if we've working on this since 2015, right? Is that what you said? 2015, we know what they want, right?

City Administrator Wayman: Not necessarily. So, this is why land deals, whenever we do a contract for real estate we do it in executive session, so I can explain our position and their position, because it's not necessarily going to coincide.

Council Member Glaspie: In the last Council Meeting, in the last Council Meeting though, you stated that it didn't have to go to executive session because we were already having this negotiation and everything was public of what our terms are. And there was no benefit or gain to the City for this, so we don't have to go to executive session.

City Administrator Wayman: No, that was for the money, not

Council Member Glaspie: Is that correct, Bob?

City Attorney Noe: My belief on where the lease is right now is that we wouldn't have executive session because there's not going to be an impact the asking price for the rental. That's an already done assumption. Really, the only issues that I see that are left are who's gonna cover insurance during the demolition, where's the liability lie during demolition, after it's built whose responsibility is it to maintain and to cover it for insurance purposes, and then if there are any changes to our property or their property who's responsible for that.

City Administrator Wayman: So that's what might need to be going in executive session, in my opinion, the conditions that we would set as landlords of the property. Do we want to discuss improvements?

City Attorney Noe: I don't think we can go into executive session for that.

City Administrator Wayman: Okay.

Council Member Bell: We're discussing the wrong thing here right now. We're discussing how to negotiate a lease basically, and that's not our job as a Council to negotiate the lease.

Council Member Glaspie: Right.

Council Member Bell: What we should be discussing here is the direction that we're giving to the City as a Council of whether they should move forward with the lease negotiation at this stage regardless of the levy or with a condition on it. That's what should be the topic of discussion. I would like to address several things here, but first I wanna say that this Council approved that both Rachael and I be members of the SPRSA board, and we've both been very active in trying to work that. And sometimes it's a very hard tightrope to walk in what the City interest is and what SPRSA's interest is in this entire matter. And I would say that in general, from the last meeting and so far tonight, we are more acting as a Council like it's our bond issue and we've got to protect it, and it's our M&O levy and we've got to protect it, and that is wrong. When I put on my City Council hat I have to represent what the City interest is, and it's not in the bond or the M&O. That belongs to SPRSA. For us to put conditions on any lease, or anything with the bond or the M&O levy are plain wrong. We cannot do that. They do not belong to this City, they belong to SPRSA. And they are the ones responsible. Now I would like to say that the voters approved a bond to build a pool, now I say we have to give them a pool regardless of what your argument is of what kind of pool they approved. There is all kinds of examples around from government agencies and quasi-government agencies that have promised something, and because of varying circumstances they've had to change what was promised, and they build less than what they asked the voters to approve. So, this isn't new ground that SPRSA's entered on. It's well established that other people have gone through the same thing for capital projects, and the City should not provide road blocks for this happening with SPRSA making a decision to build or not to build. And I think that we potentially put the City in the position of being sued if we provide continued road block of conditions on something that we don't control. We do not control the bond or the M&O, and if we demo our existing pool because it sits there when there's no M&O, that cost from the City estimate and from our architect estimate is considerably beyond on hundred thousand dollars and probably closer to a one hundred fifty thousand. Now my question is where does that money come from? That comes from this City, this Council. Where does the money come from for insurance if we own the pool as the existing pool and it sits vacant next year without a levy? It comes from this council. We have to budget to pay for that. As things exist today we would pay those costs because we own the pool. If they build a new pool, they own the pool. And we're not responsible for that demo cost or the liability cost direct to having a pool there whether it's operating or not. And there's no difference whether that pool sits vacant in the summer and the winter, or just the winter, which we've had for sixty-four years. A vacant pool in the winter. There's no difference in going through those. And I just cannot see that we should not approve to go ahead with a lease for SPRSA to make their own decisions on what they're going to do, to build or not build.

Council Member Dufault: Well Roger, I, I agree with you to a large extent, and I think that's what we should do, is that we should authorize the lease. But I think we have to be careful because reality is, is that the City will be a backstop. I mean, any landlord negotiating a lease is going to look at the default risk of that tenant, and right now the tenant has no income after this year. They have no revenue source whatsoever. So we're looking right now at a likelihood of SPRSA defaulting on that risk unless they can show us where they're going to get the revenue from to operate that. So as a landlord I would very much look at that potential, and that why, in the Study Session, I was inquiring as to the M&O passage and if not that then a capital campaign. And I think that either one of those would satisfy my concerns on that front. And I understand the capital campaign would have some contingencies because we have to

execute now for something that won't be completed, in terms of the fundraising, until early 2019. But I'm confident in the goodwill in this community, the goodwill in this board, the goodwill in SPRSA that if we all pull together that can happen if it needed to happen. But I would like to see some sort of commitment along that front, because if we just have a pool that's been built and SPRSA has no revenue, we're paying insurance. Liability will roll back on us if anything happens with an attractive nuisance sitting there in the middle of Wixson Park. So, that's my concern. I did have one question, on when the bond was originally conceived, what did the City and SPRSA, because people knew that the pool was going to go in at Wixson Park, and that was the design and the conception from the get-go, did the City commit to anything, to SPRSA at that time? And this predates my tenure on the Council but that is one concern that I have with whether or not the City can withhold a lease right now if, as part of the original bond Selah had already agreed that they would allow, did, so my question is did SPRSA run bond without any collaboration from the City on where they would build this pool?

City Attorney Noe: I think the answer to that is no, because the only way they could run the bond indicating it would be at Wixson Park is because the City said hey, if you're gonna build it you can build it at Wixson Park.

Council Member Dufault: So where's that document or where did that take place? Or how did that take place?

Council Member Glaspie: Is that in our interlocal agreement?

City Attorney Noe: I don't know.

City Administrator Wayman: No.

City Attorney Noe: I don't know. There had to have, I don't remember, frankly, but I think that there must have been communication with the City to give them assurance that they could use Wixson Park. Otherwise, I don't see them putting the bond measure forward.

Council Member Dufault: Well, that was my guess. So two concerns where I sit today. Assuming none of that happened, I'm telling you the operational concerns. But to be fair to SPRSA on the other side of things, if that was a communication which I too would guess there was before we ran a bond to build a pool at Wixson Park, that there may already be something out there that I don't want to overlook in this discussion as to whether or not the City has already committed itself, for better or for worse, and it's not really even a decision for this Council to make.

Council Member Bell: The way the bond measure ran it must be built in Wixson Park. So, there's no condition of anything else, it must, it said on the bond measure itself it must be built in Wixson Park.

Council Member Dufault: Right.

Council Member Bell: And, and the SPRSA board for bonds and levies, Jeff Knobe, has told the SPRSA board that they cannot change that. That that's, otherwise they have to go for a new bond, that they sit on that commitment because that's the way it was worded in the ballot. Now, in my contention is, if there were gonna be any conditions on the pool, they should have been established prior to the bond being

run, and it's not right or fair that this Council would now put restrictions on the bond that's already passed that wasn't ours. If we wanted them we should have done it prior to the vote.

Council Member Dufault: That was my question, Roger. What was that conversation? Sounds like there is not a record of that, but to me that would be very important because I would assume that those conversations took place as well, and there must be a record of them somewhere.

Council Member Glaspie: So I know that the City was very involved in the collaboration at first. The City created SPRSA and there's an interlocal agreement for that because the City was trying to get away from running and operating a pool. So they actually creating the taxing authority of SPRSA, and that was in 2011.

Council Member Dufault: I don't think the City has the authority to do that.

City Administrator Wayman: The City did not create SPRSA.

Council Member Glaspie: They entered into the interlocal agreement though, which gave them the taxing authority over the area, service area.

City Administrator Wayman: You do not grant taxing authority. The County, they get their taxing authority through the State and County, not from Selah. I have the interlocal agreement here in front of me, there's no mention about a new pool or where, where a pool should be. The interlocal agreement only addresses how the maintenance and operations of the J Francis pool is going to go on. And also it has, there's an amendment on it that talks about how they can spend money that's raised on political campaigns and what they could do with the additional funds. It doesn't address any new pool or any new facility.

Council Member Dufault: But I just can't imagine that municipal bond counsel would sign off on a bond when there's not land that's been committed. I mean, you couldn't sell that bond to the public if there wasn't already space provided for it. So I, you know, I regret that I, that this only came to mind after the last meeting and I'm bringing it up at this point, because I know time is of the essence. But does that seem right to you, Bob, that, I mean, somewhere in the documents there must be something, or municipal bond counsel would have agreed to certify this as a municipal bond without any land on which to build the pool.

City Attorney Noe: I agree, and I think, now that I'm thinking about it I think the City Council did pass a Resolution supporting having a pool built at Wixson Park. I believe City Council must have passed something like that in order for bond counsel to move forward. It was probably required actually.

Council Member Carlson: I believe we have put guidelines in place. Now, keep in mind the vote to not run the, to not build the pool unless the levy was passed was not decided by the City. It was, the City simply, the City was going to pursue it but when SPRSA voted in themselves the City said we're not gonna worry about it. And so now we have, now we have a pool that's been designed to our liking, everyone here has, has said we like this pool, we like what you've done. You've listened to guidance, you've adapted, you've given your input, we gave them our input, everyone is happy. I see, I see, to me this seems we're, I think we're making it too difficult. I think, I think we give them the opportunity to

succeed. We've put, like Roger said, we've put, we've encouraged them to take steps that have slowed this process down. In the end they've voted for those, so they agreed with those steps. However, they've complied with everything we asked of them, and put considerable effort into it. Why would, why would we not take steps to now hurry it up since we took steps to slow it down? Why would, why would we not give them every opportunity to succeed from here moving forward now that we're pleased with what we have had placed in front of us?

Council Member Underwood: I also feel that, well, some of us have lived here all of our lives and Selah is a very community orientated city. They raised funds for Volunteer Park. I think that with some of the humongous companies, some of them known throughout the whole world, that we could probably encourage towards, should the bill fail, the bond fail, the M&O, I think that we would be able to get people to donate. I would donate one of my paychecks to see the pool. I mean, that's how I feel about it. Do I use the pool? No. But it's, it's a very integral and important part of our community. It's always been there, and I think that we need to assist and do what we can to get it going for the children of tomorrow, and some of the oldsters that's out in the audience that use the pool, and others that use the pool.

Council Member Carlson: And, and just like, just like SPRSA, who called a special meeting just to be here for us, why would we not be willing to have a quick lease written up. It's not complicated. Call a special meeting if necessary. If for some reason that there's some indiscretion on the, on the contract, we call a special meeting. I just don't see how that, maybe I'm wrong, Bob. I don't see this as being a complicated lease. I see this as being very simple and, and if there was concern, that we could call a special meeting and say you need to stop. But why would we not give them every opportunity to succeed and speed up the process when we've also made steps to slow it, that slowed it down too.

Council Member Glaspie: Well, and especially because they have those walkthrough of the, of the potential bidders on the 31st. They have, I mean, SPRSA at this point deserves the ability to say yes, we have the lease and it is, we are building it in 2018. And so, to be, to be able to give the confidence to have these bidders that are, you know, of high quality actually bid on the project would be great. Because the ones that are of good quality are not gonna want to do it if they don't have a lease in hand either. It's, I mean, it's, so I think it's, I think it's extremely important that they have a lease to them before the thirty-first definitely.

Council Member Dufault: Well, based on Bob's reply to me, I personally don't believe that we can deny executing a lease, but I personally will say I think it would be highly imprudent for SPRSA to execute a construction bid before they have the capital, the operating capital lined up. But beyond that I don't think there's anything we can do as a Council other than execute a lease.

Mayor Raymond: Bob, with that said, can the City get sued if they deny building before an M&O is passed?

City Attorney Noe: Run that by me one more time?

Mayor Raymond: Can the City be sued if they deny SPRSA the ability to build that pool before an M&O has passed? Are we opening ourselves up for a lawsuit from SPRSA, is that who you're saying?

City Attorney Noe: Are you talking about denying a building permit?

Mayor Raymond: Denying the, the lease of the land, that contract.

City Attorney Noe: Yeah, I, the short answer is the City could be sued. Whether, whether the City would prevail in a lawsuit I haven't really looked into that, but I don't, I'm not aware of any case law that addresses an issue where there's a bond measure that's approved and to be built on property not owned by the authority that, that ran the bond measure, and then the other entity decides to not provide the property. I haven't seen any cases on that. I could see arguments on both sides to, to make to a court. I don't know how it would come out.

Council Member Dufault: I believe that SPRSA could sue, and I believe any bond holders could sue. The bigger claim would lie with the bond holder who bought the bond under representations that included representations from the City, that they would have this facility and then the facility was never made available to be constructed. So whether or not they would do that I don't know, but it sounds expensive, the risk.

City Attorney Noe: That's the risk.

City Administrator Wayman: So, getting back to the question, does the Council wish to go into a contract with SPRSA in spite of what is set, or voted on, on the seventh? That's really the issue. If you want staff to go forward we'll do that, and that's all they need, that's all SPRSA needs. They don't need a piece of paper that has been approved on the thirty-first. That is absolutely unnecessary. All they need to see is that Resolution from the Council directing the City staff to complete the contract. Don't bum rush the City's staff into doing something that is not prudent. Don't get into the, into the, the business that Bob and I are going to negotiate, because that may, we, we don't want to have that discussion here. If, if SPRSA knows they're going to get the lease eventually, within the next thirty days, that's enough. That's all they need.

Council Member Carlson: I disagree with that.

Council Member Glaspie: So, I disagree. So Jeremie made a motion, so do we make you continue?

Council Member Dufault: **I'll withdraw the motion.**

Council Member Glaspie: Okay, I would like to make a motion. **I would like to make a motion to authorize the Mayor to enter into a lease agreement with SPRSA, and to sign said lease agreement once both parties' legal counsels are in agreeance for one dollar annually, with no further stipulations and without a voter approved M&O levy, completed no later than the end of the business day Friday, July 27, 2018.**

Council Member Carlson: **I second that.**

City Administrator Wayman: Mayor?

Mayor Raymond: Discussion, Don?

City Administrator Wayman: I just heard no further stipulations beside a dollar. There's a lot more stipulations beyond that.

Council Member Glaspie: Well, I mean, but I mean at this point we trust that our city attorney has had these discussions already with SPRSA's.

City Administrator Wayman: No we haven't.

Mayor Raymond: No, we haven't.

Council Member Glaspie: That is, that is not true. I've seen the copy that's gone back and forth between attorneys so that's not true.

City Administrator Wayman: That is not true, that is based on previous discussion, previous years. We are not ready, I'm not ready, I'm telling you we're not ready to do that. If you want to draft the, this particular document here in Council you're free to do that, but I think that's gonna be a very difficult process.

Council Member Glaspie: I disagree. I think I would like Bob's opinion on that.

City Attorney Noe: Let me ask for clarification on the motion, are you, so your motion is to authorize the Mayor, Mayor's staff to move forward and negotiate the lease, and then also authorize the Mayor to sign if staff is okay with it.

Council Member Glaspie: If staff, if both parties, if legal counsel of both parties is comfortable with that lease, yes I would move forward to do that.

City Attorney Noe: Okay.

Council Member Underwood: Have you, Bob, have you been in contact with SPRSA?

City Attorney Noe: Not, not with their council for a long time.

Mayor Raymond: Hang on, guys. We have a motion and we have a second.

Council Member Dufault: Who seconded?

Council Member Carlson: I did.

Mayor Raymond: Russ.

Council Member Carlson: I'm okay with this discussion.

Council Member Bell: And I want to address one thing on that. Want to, want to ask you to consider removing the date. We're talking about negotiating a lease. Once this Council, if they approve the motion to negotiate the lease, it's the same as having a lease in hand. Same difference.

Council Member Glaspie: So I, I totally hear you and I agree about I disagree at the same time. Because I, if I can get Bob Noe to say hey, I'm comfortable with that date then I, I mean I feel like that's a great thing. My, my concern is, is that I asked very specifically to have a lease in my packet this week and it got kicked down to the next one, and then we were on the third, fourth, fifth Council Meeting, and if I don't put a date on it, it is absolutely gonna get kicked further down the road. And so if, if Bob is comfortable with that date I, I, if you would like me to push that date to the day before the thirty-first, I think need to have a signed lease in place for SPRSA when they do those walkthroughs on the thirty-first though.

Council Member Carlson: And again, if there's any necessary, if there's a massive red flag, you call a special, call a special meeting just like SPRSA did to be here tonight.

Council Member Glaspie: Right. Exactly.

City Administrator Wayman: There's not a chance. You'll not have it by the thirty-first. Not done professionally.

Council Member Glaspie: Bob, would you be able to do it by the thirty-first? Are you confident that it would be done by then?

City Attorney Noe: Yeah, we could, Don and I could work on what we think should be in the lease. I can't speak for the other side, I don't know.

Council Member Glaspie: Right.

City Attorney Noe: I mean we could probably have something drafted by the thirty-first, what we think the lease should be.

Council Member Glaspie: So, could you have it to, to SPRSA's attorney

City Administrator Wayman: I, I.

Council Member Glaspie: Hang on. To SPRSA's attorney within the next day or two and have them go over it, and if they're comfortable with that, send that back with a signature and we're moving forward? Or how does that work?

Council Member Dufault: Rachael, what if, what if, what if we put a deadline on the City staff that they have to produce a lease of the draft and have sent it out to SPRSA's counsel by a fixed date? Cause then it's, then it's out of.

Council Member Glaspie: Perfect. So I, would I be okay with doing that then. Okay, so you hafta, but I don't know, I feel like, see this is the thing though. My concern, my concern is we work in a grey area and it's been very prevalent in, in a lot of situations, and I'm not willing to be in a grey area anymore. My frustration sincerely came from the fact that I asked very specifically to have a lease and there's

been no discussion and there's no lease in front of us at this point. I feel like that was a, a complete lack of, I mean I thought I gave pretty clear guidance on that, and it's not in my packet.

City Administrator Wayman: There's a difference between what you want and what the Council requests.

Council Member Glaspie: Correct. And I made a motion and you told me, Ma'am, you don't have to make a motion, I understand what you want. I'll have it for you.

City Administrator Wayman: I'm afraid that's not the way it's written up. That's not the way I understood it. That is not the way

Council Member Glaspie: And that's why I'm being very specific in this motion.

City Administrator Wayman: Council needs to give me direction, not you.

Council Member Glaspie: Okay. And you have a motion and a second.

Council Member Dufault: There's a motion on the floor, is that correct, ma'am?

Mayor Raymond: There is a motion to, let me see if I can get this right. There is a motion for Council to vote on requiring myself and staff to sign a lease with SPRSA to build on this land regardless of an M&J passing.

Council Member Glaspie: With a date stipulation in there. I'm willing to negotiate that date, based on Bob's guidance on that, but I'm, I mean I, SPRSA's attorney is ready for this, they are, SPRSA's attorney is fully aware and ready to have you send them the document, and then review that and if that's great, SPRSA's gonna be calling a special meeting, we're gonna be signing off on that and then it's sent k to the City. And then this motion gives the Mayor that, if you're comfortable with it, if SPRSA's comfortable with it, to sign that lease. It's something that, Don, you yourself said it would take you a day to get that lease together.

Council Member Dufault Rachael, what if I, just an idea, what if we were to break your motion into two parts and we, we make, we pass the resolution that requires the City, the Mayor and the City Administrator to enter into a lease with SPRSA. And then we have a second discussion on what the parameters of what that discussion should be, if you want to add something new.

Council Member Carlson: I, I think.

Council Member Dufault: Because I don't think I could support your motion as it's currently crafted, but I wanna help you get there.

Council Member Carlson: I think, I think you've got a SPRSA board who is motivated, I think you have a SPRSA attorney who's motivated, I think you have a City Council who's motivated, and, and I don't see. Like I've said, we've put stipulations, encouraged; we've not placed them we've encouraged them, decisions and steps to take. And these recommendations have slowed them down. And why would we

not be willing to take some time to speed it up. And if, if for some reason it's not agreeable between the two attorneys we call a special meeting, and we sit SPRSA down right here, City Council down right here, the two attorneys, we figure out what's not working and we make it happen. I call the question, Mayor.

Council Member Glaspie: We want this pool.

Mayor Raymond: We all want this pool, but is it up to this board to decide what taxpayers want.

Council Member Dufault: Yes.

Mayor Raymond: That's it, don't say anything else. Is it up to this board to decide what the taxpayers want? Should we not give them the opportunity to say yes, we are willing to pay the M&O for this pool for six years? In, in meeting after meeting in the last three years, it has been the Council's decision to, to listen to what the city wants, what the people want. I mean, Russ, you have beat it in our heads about that's not what the people want.

Council Member Dufault: Point of order, point of order, Madam Mayor.

Mayor Raymond: Yes?

Council Member Dufault: Point of order. The question's been called so I believe that requires a vote as to whether or not we call the question, and then we take a vote if, or we continue discussion based on the outcome.

Mayor Raymond: okay, so will you repeat you motion.

Council Member Dufault: So that's it. Russ called the question, so I believe now, Madam Mayor, with respect, that now we take a vote on whether or not we call the question.

Mayor Raymond: Okay.

Council Member Carlson: I think, I think once it's called for question you take the vote. I don't think there's a vote on calling the question.

Mayor Raymond: Okay. So can you repeat your motion?

Council Member Glaspie: Monica, do I need to repeat it?

Council Member Dufault: I respectfully disagree with that, because one member cannot silence discussion from the rest of the board, but that's, I'll, chair's decision.

Mayor Raymond: Okay, so we are going to vote. Monica, Roll call please.

Council Member Bell: What are we voting on?

Mayor Raymond: That's what, that's what I'm asking.

Council Member Glaspie: The motion and the second. So, I will repeat that. **I make a motion to authorize the Mayor to enter into a lease agreement with SPRSA, and to sign said lease agreement once both parties' legal counsels are in agreeance, for one dollar annually with no further stipulations, and without a voter approved M&O levy, completed no later than the end of the business day Friday July 27, 2018.**

Mayor Raymond: So, we have a motion, do we have a second?

Council Member Carlson raised his hand.

Executive Assistant Lake: **Russ seconded it.**

Mayor Raymond: Russ seconded it. Roll call, Monica.

Roll was called: Council Member Dufault – no; Council Member Matson – yes; Council Member Glaspie – yes; Council Member Bell – yes; Council Member Underwood – yes; Council Member Carlson – yes. Motion passed with five yes votes and one no vote.

Council Member Bell: I gotta make a comment. I know we've taken a vote, but as a Council we've, we've put restrictions not on SPRSA, but on the City staff to be able to fairly negotiate something and, and we now have no opportunity to come back as a Council and approve that lease.

Council Member Dufault: That was the only reason I voted against the measure. Otherwise I'm a yes except for by July twenty-seventh, I think that creates issues. I support the pool; I supported Rachael's motion except for by July twenty-seventh.

Council Member Glaspie: Right. To be fair, to be fair, Bob said he was comfortable with that date, so, and that was a conversation that we've had in this, so if it's something that our legal counsel is saying hey, yeah, we could get something figured out by that date. I mean I think that we have, we have the duty to get this done and taken care of and get it to SPRSA so they have it in hand.

City Administrator Wayman: You're missing something, Rachael. What you're missing is that Bob works at the pleasure of the Mayor and he also works with me, okay? So we, we are key players in this issue. And we sat here and we told you this was a bad idea. You ignored us. We'll get after this, and we'll come up with something. We'll give it our darnedest try. But the Mayor and the City Administrator take what Bob does and we evaluate it, and sometimes we give him rudder steering as well. So, what you, what you're asserting is that yeah, Bob, he might be comfortable with that process but I'm not. I don't know how the Mayor feels, I have a feeling she's not comfortable either. You just put us under a gun and we cannot come back to you and tell you, hey we've got a hiccup here. You just restricted us. And we'll go forward and, and do this, but, but if you're unhappy with the end of the process it's because you've given me a truncated timeline to get it done, and I'm gonna get it done the best way I can.

Council Member Glaspie: That's not true. I gave you a timeline because you have shown me that if I don't give a timeline and make my motion very clear, that you will find a way to circumvent that, and I don't appreciate it.

City Administrator Wayman: That's untrue.

Council Member Glaspie: This, this Council packet was a dead observation of that, so.

Council Member Dufault: Rachael, I, I think your point is well taken. We've got to force this issue.

Council Member Glaspie: Thank you.

Council Member Dufault: We've gotta force it through, but I would really encourage one of the yes votes to change their vote, and we revote and we execute. And then we set a more reasonable deadline for this, because we are tying, I believe we are inappropriately tying the Mayor and the City Administrator and the City Attorney's hands to negotiate a lease with another party, over which we have no control what they do, and they now know that we have to execute a lease by July twenty-seventh. Do you think they're going to be very cooperative?

Council Member Glaspie: So, they are very cooperative and there has been a lease drafted that has gone between the two attorneys, and they're very comparable in what is happening. There is a very slight difference in what was happening.

City Administrator Wayman: I'm glad to know the Council Member knows what, everything that has gone across my desk or Sherry's desk and what we've considered. But I'm pretty sure I haven't consulted with you on that, so please don't assert that you know something that you do not.

Council Member Matson: Rachael, can I just ask a question?

Council Member Glaspie: Yes, ma'am.

Council Member Matson: Do you feel that support is here for the pool?

Council Member Glaspie: Absolutely.

Council Member Matson: Okay. So, do you feel that, exactly, exactly what Jeremie's said, we know we want this pool, we agreed on the lease. Would you, I'm going to ask this and if you could tell me, Bob, if I'm asking this wrong. Would you reconsider adjust the date. We can have a draft for the walkabout, I understand because I, and if I was seeing that in hand saying okay, we're negotiating. We've agreed to this, we just have some fine points, but here it is. That gives the opportunity to not rush through this, cause leases may seem easy but, but sometimes they are not, and if something comes up that you're going oh, okay, we've got this date, this is gonna work. Would you, if we have the assurance, if we are negotiating for sure, thinking about that timeframe. We're all sitting here, everybody's hearing all this, how would you. Is it okay for me to ask that? Would you, would you consider that?

Council Member Glaspie: What would be a date, Don, that you feel is plausible.

City Administrator Wayman: The fourteenth, a regularly scheduled meeting.

Council Member Glaspie: I don't want to review it again. I absolutely as a Council Member do not want to review it again.

City Administrator Wayman: We can bring you a signed document on the fourteenth, on a regularly scheduled meeting. The thing that's important isn't the signed document. The thing that important is the resolution to approve no matter what happens on the seventh. That's the only thing that's important. Once that resolution is approved, the people over at SPRSA get forward, can let their contracts out because they know, because of the resolution, that we'll approve going forward with the lease. That's all they need to know in order to move forward.

Council Member Dufault: Rachael, that why I wanted to break it into two parts, cause then you have a resolution that we can execute tonight that says we are entering into a lease with SPRSA with no contingencies. And then we have a separate one, where if you wanted, you wanna put the, you wanna, you wanna put the feet to the fire a little that, then you can say, we can talk as a Council about okay, maybe, maybe we have to have our first draft out by tomorrow at five o'clock to SPRSA. I mean, give them a tight leash if that's, if that's the motion you want to make, but let's get the resolution in writing and then we can have a second discussion about what that, about what those tightened screws look like perhaps. That's what I would recommend. But in order to do that, one of the yes votes has to change, has to call, has to do a revote and then we do this again.

Council Member Carlson: I don't, I, I don't, I disagree with the fact that all they need is the idea. A contract is not done until there's, the ink is dry and the check clears the bank. So, to, to, to say to SPRSA we will give you everything except for, expect for we still have that little leash. We are doing almost exactly the same thing, we're handicapping them moving forward in, in their efforts to make something happen if we retain any leash on them. It's not a hard contract; it's not a hard piece. It should be really simple. We know what they want, we've known what they wanted for three years, it should not be that hard. It should not be difficult; there should not be anything that is going to tip the scales one way or another. There are numerous entities, numerous government entities, who enter into leases all the time, and there's very standard language and verbiage in all of those leases. I really don't see why it is so hard to move forward. Sign the paper, do what's, what everybody sees is fair and what's expected as happens in every other government entity around.

Council Member Dufault: But the City Council always signs off on major leases, I mean, they come in our packet. And I grant you, Russ and Rachael, that this has taken longer to get to this point than it should, and I understand the frustration. I do. But I just feel like we've, we've got to, anyway, I, I've made my vote so there's nothing I can do on this end.

Council Member Carlson: If there's a problem there's, we can call, and if, if SPRSA's just super difficult we can call a special meeting to put a stop to it. I just don't think they will be.

Council Member Bell: I voted in favor of the motion we just passed, and so I would like to, to have the Council reconsider that motion with a new motion of saying they rescind that one and replace

it with negotiate the lease, without conditions attached, with SPRSA and have a copy of that lease before this Council on our next scheduled meeting in August.

City Administrator Wayman: I can easily do that.

Council Member Glaspie: Roger, I have a quick question. So Don, after I made my motion and then was told I didn't need to make a motion last time, did you at any point work with Bob to work on that lease?

City Administrator Wayman: I told him to, to and he did, bring up, some fresh language to bring it to me. I've looked at it, I've reviewed it, I have comments on it. We have not changed the comments that I've added, I haven't sent it back to him with my comments. So he, we've talked about those comments that I had and you could take our work, between Bob and I, could take about a day, and then it needs go to Mayor for her review, that's another day.

Council Member Carlson: That doesn't take another day.

Council Member Glaspie: No, yeah absolutely not.

City Administrator Wayman: Yes, it does. Listen, listen here.

Council Member Carlson: It doesn't take a day.

Council Member Glaspie: It doesn't.

City Administrator Wayman: If, if we're working on that exclusively, but we have a, a full schedule here, and you need to give, you need to give people who operate here the opportunity to do a thorough review. We give the Mayor, we don't give the Mayor one hour to review a document, we give her a day to review it.

Council Member Dufault: Normally we don't, but I think the Council is saying we want to do that in this case, so I wanna help get us there.

City Administrator Wayman: Okay, so what you're saying truncate the, the, the review schedule, truncate the demand that we're gonna put on SPRSA, 'gonna say hey, turn around to us in a day or two, okay, and then we're gonna have the Mayor sign an agreement and you're not gonna see it.

Council Member Glaspie: That our City Attorney is comfortable with and that their attorney is comfortable with.

City Administrator Wayman: But you're, you're all okay with that going forward, because you won't see the final product until it's, after it's signed. So that's what you're asking me to do, if I can get this straight.

Council Member Underwood: Okay, could be emailed to all of us?

City Administrator Wayman: The draft, you mean, or the signed document?

Council Member Underwood: The final version of what the agreement is. We would be seeing it before.

Council Member Dufault: Perhaps we should just schedule a special meeting.

Council Member Carlson: That's what I've been saying the whole time, if there's a problem.

Council Member Dufault: But not even if there's a problem, just to approve the lease.

Council Member Glaspie: Yep, I'm fine with that too.

Mayor Raymond: We have a motion on the table first, guys.

Council Member Dufault: I second, may, may I second Roger's motion?

Mayor Raymond: Okay, so we have a motion.

Council Member Dufault: As a no vote.

Mayor Raymond: As a no vote.

Council Member Dufault: I don't know.

Council Member Bell: Jeremie cannot second that motion.

Council Member Glaspie: You had five to one though, so it would take more than one person changing.

Council Member Carlson: I'm okay with, listen, I'm okay with scheduling a special meeting if there's a problem. I mean, we can say right now special meeting if there's, if everything's kosher we cancel the special meeting. Right? Like I said, I really don't think it's that hard and, and if there's, if everything's kosher we cancel the special meeting. I really don't think it's that hard. And Don's response that it takes the Mayor a day to review this document, after it takes a day to come up with it, that's wrong. And that tells me that there's an effort to stall and kick it down the road, and I don't like it.

Council Member Glaspie: I agree.

Council Member Dufault: So let's structure a motion that prevents that from happening.

Council Member Carlson: That's what was structured, and we need, if we need to schedule a special meeting as well, I'm okay with that. I would, what I would say is leave the motion as is, leave the pressure to make it happen, schedule a special meeting. If everything is kosher on the lease agreement then we don't need the special meeting.

Council Member Bell: The problem is, how many Council people could make a special meeting and when is it gonna be called? And it, that's, to me is not an appropriate way to deal with this.

Council Member Carlson: When does it work for you?

Council Member Bell: We have no choice in, by motion that we approved already, in approval of that lease. We've already approved it.

City Administrator Wayman: Monica, what's our notice?

Council Member Bell: We've already approved it, because we've said for the Mayor to sign the lease.

Council Member Carlson: Right, right.

Council Member Bell: And, and, and, and that's wrong. This council should not do that. We should be looking and saying that yes, we approve the things that have been negotiated in this, and to give direction to negotiate a lease is more appropriate. And bring it back to us.

Council Member Glaspie: Roger, but, at the same time I mean, you've, there's been witness to this, this, there's unforeseen obstacles that are always popping up. It's become a trend at this point. And so, by doing it I feel that it really does give the opportunity for another obstacle to pop up, or, or pushed out or something along those lines, and I think that by holding the City accountable to something that's been delayed. Because I mean, we've seen it specifically just in this session, where we were not presented with a lease, and it could have been something that was City ready to hand to SPRSA tonight, and it's not because it keeps getting kicked down the road. And so I, I don't see us, I don't see us being unreasonable as a Council to say hey, let's get this done and get it moved on with. And give SPRSA the lease.

Council Member Bell: Motion dies for lack of a second, I guess.

Council Member Dufault: My understanding is that any person who voted yes can bring up, can call for a new vote. It doesn't need a second.

Mayor Raymond: I, I don't know.

City Attorney Noe: Usually that's done by Council, previously passed Council resolution on how to handle that. I don't, I'm not familiar with the one Selah has off the top of my head so I can't give you guidance, Mayor

Council Member Matson: What's the date again, the thirty-first.

Council Member Glaspie: The date for the walkthrough? The thirty-first, yes.

Council Member Matson: That's a Tuesday.

Council Member Glaspie: That is a Tuesday, correct. And it is at, Tuesday at ten-thirty am.

Council Member Matson: So, can I ask, can I ask a question here? Would it, would it, cause I totally understand your point, Roger, and I agree with your point. Would it, could we accomplish the same thing

if we had a Monday special meeting, Tuesday accomplishes the same thing. That gives us the opportunity to review that, gives you some time to get that lease in place, which it does take time, and that gives time for SPRSA to review it, for the lawyers to get together, spend that time back and forth, and for us to look at it.

Council Member Carlson: Absolutely. That's exactly what I'm saying. We could schedule a special meeting right now and I can guarantee you SPRSA would show up and be a part of that special meeting. They would announce their own special meeting. If there were problems we could iron it out there. I really don't think there's that many problems. I think we are making it too difficult, so I'm okay with scheduling a special meeting for the thirtieth, makes sense to me.

City Administrator Wayman: Madam Mayor, this is the most extraordinary staff meeting I've seen since I've taken this job. This is a staff meeting, this is not a Council Meeting.

Council Member Glaspie: I feel like we're giving direction though, so.

City Administrator Wayman: This council is undertaking staff, staff work rather than, rather than delegating that work to the staff.

Council Member Glaspie: I, I delegated it very clearly.

City Administrator Wayman: You, you do not delegate. The council as a vote.

Council Member Dufault: Madam Mayor, what's your ruling on whether or not we need a second to Roger's reversal of his, Roger asked for a revote, does he need a second or does he not need a second?

Council Member Carlson: In previous meetings it's been stated that only yes votes can change their minds.

Council Member Dufault: Correct.

Council Member Carlson: So whether that's true or not, I don't know.

Mayor Raymond: I think that is true.

City Attorney Noe: The question on whether a second or not I don't know.

Council Member Dufault: So Roger has called for a revote, is that.

Mayor Raymond: Roger has called for revote on only part of, on only part of the motion, Right?

Council Member Dufault: On the previous question.

Mayor Raymond: Right, right.

Council Member Matson: The time frame.

Mayor Raymond: Right, just the time frame.

Council Member Glaspie: So Roger, I guess my question to you is what would you be comfortable with. I'm, I'm willing to hear this side of it. If you're not comfortable with the twenty-seventh and you want to call a special meeting for Friday the twenty-seventh and say hey this, we either approve it that day or deny it that day, that's great but it, it has to be to us, is that something that.

Mayor Raymond: Okay,

Council Member Bell: There are two, there are two problems I have with the resolution that we passed. The first one is we restricted the City in, staff in, how they can go and the timeframe to get that negotiation done. The only thing that the SPRSA board needs is to know that they're gonna have a lease no matter whether the levy passes or not. That's there, okay. Now, the second point though, is that we said in that resolution for the Mayor to sign it. That means we approve the lease already not knowing what's negotiated. And the Council's job in this whole thing is to approve the lease, and, and I will tell you honestly why I took so long to say yes was because I could then bring it back. If I was in a minority of saying no I could not bring it back. Otherwise I would have been against the motion, and that's why I asked you to change the date and that's all SPRSA needs. There is nothing this council can come back anyway on the prevailing side of this question and change the lease. If they don't like the lease going back and then what's that do?

Council Member Glaspie: Right, and then it kicks it down the road again.

Council Member Bell: That opens a whole can of worms. We're better off to say negotiate the lease now without conditions and bring it back to the Council, the lease for us to approve, and then it goes forward.

Council Member Glaspie: What if we, okay, so that's a great point. So what if we say, instead of giving until the next Council Meeting, we do special meeting on Monday the thirtieth, and in that special meeting that that lease that would be due on August fourteenth, comes to us and we're, that gives the City a substantial amount of time. Don said he only needed a day to prepare and then a day for the Mayor to review and then send it to the Council so that gives them sufficient time to get everything in order to present us a lease on Monday the thirtieth. I'm willing to change it to that, to that date and call a special meeting if the Council's willing to do that to sign off on that. And I will, I will pull the fact that the Mayor can sign it and I will say the Council will sign it on Monday the thirtieth. Is that something you'd be comfortable with, Roger?

Community Development Supervisor Peters: Councilmembers, can I, can I help you get things where they need to go?

Council Member Glaspie: Yes.

Community Development Supervisor Peters: So, you, you have a motion on the table right now, everybody's voted on it and you have one member of the Council who is, has asked to have the vote withdrawn and changed. So my suggestion is, is that, based upon what the original motion is, that you have a revote on that and if you were uncomfortable with the terms of that motion that then you change

your vote to a no vote. That would then make the motion fail, and then somebody in the Council can then make a new motion, which would need, which would then need to be, you know, seconded, and have a new vote on that, with whatever the terms of that new motion is.

Council Member Carlson: I disagree. It's a motion, it has passed. If, if we want to have that motion amended then that can happen, but, but to recall the vote after it's already happened, that doesn't make sense to me. If, if there wants to be a motion to, to put a stipulation.

Council Member Dufault: That's, that's what happened though. That's what happened, Roger.

Council Member Carlson: With no seconds.

Council Member Dufault: Roger asked for a revote on it.

Council Member Carlson: Yeah, with no second and we've been having discussion for clarification, so. And I think Rachael has made a good point. Let's, let's stick with the time frame of the thirtieth, have a special meeting on the thirtieth, or excuse me, the twenty-seventh, have a special meeting on the thirtieth where we can accomplish this exact thing. I'm okay with that.

Council Member Dufault: Except for that there's already a motion that's passed that says that the lease has to be executed by the twenty-seventh, so there won't be any need for a meeting on the thirtieth under the current.

Council Member Carlson: But we can pass a new motion.

Council Member Glaspie: I'm willing to amend my motion to fit that.

Council Member Dufault: It's already passed. You have to undo that first like Jeff said, and then we can pass a new one.

Council Member Carlson: No, we can pass a new motion to make an adjustment.

City Attorney Noe: I think you guys are talking about the same result, but Jeff is saying that this previous motion has to be overturned, and then you can bring the new motion, which I think is proper procedure.

Community Development Supervisor Peters: That's, that's exactly what I was saying.

Council Member Dufault: I misunderstood you, Jeff.

Mayor Raymond: Okay. So, the motion is.

Council Member Dufault: Roger's call for a revote on the previous question.

Mayor Raymond: Right. And do we need a second on it? No? Okay. Roll call, Monica.

Roll was called: Council Member Dufault – no; Council Member Matson – no; Council Member Glaspie – yes; Council Member Bell – no; Council Member Underwood – yes; Council Member Carlson – yes. Tied with three yes votes and three no votes. Mayor Raymond cast the tiebreaking vote as a no.

Council Member Dufault: **I move that we execute a lease with SPRSA, with no contingencies.**

Council Member Glaspie: No, absolutely not. Really? We just had a full conversation about this and.

Council Member Dufault: That's not what, and then, and then we'll do a second motion where we, where we put a time.

Council Member Matson: Put a time frame on it. Exactly the same accomplishment.

Council Member Glaspie: I sure hope so, because if this gets kicked down the road it's gonna be.

Council Member Matson: **I second.**

Mayor Raymond: Okay, can you repeat that please?

Council Member Bell: we just overturned it, right?

Council Member Dufault: Yes, to negotiate a lease with SPRSA to lease the pool at Wixson Park with no contingencies.

Council Member Glaspie: Can I ask you to amend that, so that we give some guidance? Because right now there was the last one that was sent, a big part of the negotiation was that they agree the lease was for a dollar annually.

Council Member Dufault: It's been moved and seconded, but there'll be, there'll be a second.

City Administrator Wayman: Can I ask a question of Council Member Dufault? When you say no contingencies that covers a lot of ground. Do you mean a time contingency?

Council Member Dufault: I mean an M&O levy passing contingency.

City Administrator Wayman: No M&O levy passing and also no time contingency. Is that what you're saying specifically?

Council Member Carlson: I think the discussion is that there would be a special meeting on July thirtieth to review that document.

Council Member Dufault: Yes, there'll be a second motion.

City Administrator Wayman: Can I comment on that, on the feasibility of that?

Council Member Dufault: There's been a first and second. Is there any further discussion on that?
Madam Mayor?

Mayor Raymond: There's been a first by Jeremie, second by Jacquie, is there any further discussion?

Council Member Bell: Just repeat the motion.

Council Member Dufault: **Authorize the Mayor to into a, into a lease with SPRSA with no contingencies.**

City Administrator Wayman: To execute.

Council Member Dufault: **Authorize the Mayor to execute a lease with SPRSA with no contingencies, for the pool at Wixson Park for one dollar a year.**

Council Member Glaspie: Thank you.

Mayor Raymond: And we have a second by Jacquie. Roll call, Monica.

Roll was called: Council Member Dufault – yes; Council Member Matson – yes; Council Member Glaspie – yes; Council Member Bell – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

Council Member Dufault: Rachael, want to make another motion?

Council Member Glaspie: I would like to make a motion that lease negotiations needs to be, do we want to say the lease negotiation is complete by the complete by the twenty-seventh and we're having a, a special meeting on the thirtieth to sign that lease agreement?

City Administrator Wayman: There's a problem with that. You're presuming that you can dictate the timeline of another party.

Council Member Glaspie: I, I can, I'm a part of that board.

City Administrator Wayman: Okay, so, here we are, it's the twenty-fourth, that's three days from now, that you're presuming that all that work will be done and returned to us with a signed document, ready for your review on Monday the thirtieth. I think that's a presumption that is incorrect. The first motion, the motion that you just made should suffice in order to give SPRSA the, the ability to go forward with confidence with any contracts. Allow the staff to do its job correctly. Give us the opportunity to bring this back to you on the fourteenth complete, well-considered, and ready rather than a rush. Why do a, why have a special meeting unless, now I, I can see your perspective if you're concerned that a final approval by the Council, post facto after the election, could make you uncomfortable, I could see that. But if, if, if that's not gonna make you uncomfortable allow the staff to do its work.

Council Member Glaspie: So this is my exact point though, this is the, this is my concern is that the instant we change this, we had a discussion of the Council and it's instantly oh, but well, we'll push it

out, we'll push it out, and I'm not willing to push it out anymore. And I disagree, I think that SPRSA needs a lease in their hand, and as an appointed board member of SPRSA I, our attorney is ready for the document. He is waiting on standby and ready to go. He, as soon you send him something he is ready to go over that and push it back. I mean, we.

Council Member Dufault: Rachael, do you want to make a motion to call a special meeting to execute a lease on Monday July thirtieth?

Council Member Glaspie: I'm trying to gauge Council, if you guys want to do, set a stipulation that it needs to be completed for us on the special.

Council Member Dufault: Can you make your motion and we can discuss it?

Council Member Glaspie: Perfect. **I would like to make a motion that a lease agreement be complete with discussion of SPRSA by the end of the day**, see this is where I'm comfortable with having discussion of the Council; you want to do it by the end of the day Friday or before our special meeting on Monday?

Council Member Carlson: If you, if you have it done by Friday the twenty-seventh then there's sufficient time to notify the public, if, if there's cancellation to have a special meeting. I would say have, have the lease done; have a special meeting scheduled for Monday the thirtieth to, for approval of that lease. And that, that's the basis on which this was, it was, the original motion was retracted. That's what we can do.

Council Member Matson: What happens if SPRSA doesn't agree?

Mayor Raymond: What happens if the attorneys and we don't agree?

Council Member Carlson: That's very possible, but, but there's so many what ifs we could what if this right out the door. And, and, and we have to have faith that SPRSA is gonna do their job. Again, if this was, if we were buying and selling property, that's different. This is a very simple lease, and I realize it takes time and it takes some legal expertise, but it is not that hard.

Council Member Glaspie: And if Bob could speak to that too, I don't know, because my understanding.

Council Member Dufault: What, what's your motion, Rachael?

Council Member Glaspie: So, my understanding as a board member for SPRSA is that the only thing that was really holding up a lease at this point was on that contingency of the dollar, which we made as a motion. So I, in, in all faith as a SPRSA board member, Roger can speak to this too, I don't foresee there begin an issue with the lease. I mean, SPRSA's fully aware of what we're taking on and, and the fact that the pool, we own the pool, and I mean, I, I don't, I don't foresee there being push back on a lease as long as it's not.

Council Member Underwood: Roger, what if there is?

Council Member Glaspie: And obviously there could be.

Council Member Matson: So then we're setting that timeframe.

Council Member Carlson: There's, there's, with every contract there's stuff that can happen. And we have, we will have that opportunity at the special meeting to say no.

Council Member Glaspie: Exactly.

Council Member Carlson: But, but to.

Council Member Dufault: Well, there's no special meeting yet because there hasn't been a motion yet.

Council Member Carlson: Yeah. **So I move that we set a timeline for completion of the lease to be presented to SPRSA by May 27, and also to have a special meeting, excuse me, July 27, Friday July 27, 2018 and have a special meeting scheduled for Monday, July 30, 2018 at six pm for approval of that lease.**

Council Member Dufault: Does that give us enough time for notice, Bob?

City Attorney Noe: For the special meeting?

Council Member Dufault: Yes.

City Attorney Noe: It only requires twenty-four hours.

Council Member Dufault: okay, good.

Council Member Glaspie: I will second that.

Mayor Raymond: Okay, roll call, Monica.

Council Member Dufault: Can you restate the motion please, Monica?

Executive Assistant Lake: I don't have the entire motion written down.

Council Member Carlson: I'll restate it. **I move to approve that we have lease negotiations finished and a lease presented to SPRSA by Friday, July 27, at the end of the business day, of 2018, business day being qualified as five pm.**

Council Member Glaspie: Are you, are you saying just presented to them, or are you having a completed discussion?

Council Member Carlson: **And then in addition, having a special meeting scheduled for July 30, 2018 at six pm for consideration of the lease.**

Council Member Glaspie: In that, in that, really quick just to clarify, you're saying a, that the City just give it to SPRSA by the twenty-seventh or that a completed negotiation between SPRSA and the City.

Council Member Carlson: **Completed negotiation, all done, ready for approval on Monday, July 30 at six pm. That's my motion. Rachael seconded.**

Council Member Glaspie: **And I second that.**

Council Member Dufault: A motion to have an executed, an executable lease prepared by the close of business on July 27 and a special meeting called for Monday, July 30 at six pm.

Council Member Matson: Executable.

Council Member Dufault: Executable, that's correct.

Council Member Matson: That needs to be clarified.

Roll was called: Council Member Dufault – yes; Council Member Matson – yes; Council Member Glaspie – yes; Council Member Bell – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

N. Resolutions

O. Ordinances

- * 1. Ordinance amending the 2018 Budget for upgrading Police radios
- 2. Ordinance Amending the 2018 Budget for Lodging Tax Expenditures

Clerk/Treasurer Novobielski addressed O – 2. He stated that this is a budget adjustment for expenditure of LTAC funds, noting that the original showed an expenditure of four thousand dollars, but it was brought to his attention late Friday that the Hot Rods on First Street adjustment had already occurred. He added that after this transfer the Tourism Fund currently has an ending fund balance of fifteen thousand, three hundred seventy-one dollars. He noted that he provided LTAC with the July lodging tax report, and that under the new hotel operators, they have received approximately five thousand more than was projected.

Council Member Dufault moved, and Council Member Matson seconded, to approve the Ordinance Amending the 2018 Budget for Lodging Tax Expenditures. Roll was called: Council Member Dufault – yes; Council Member Matson – yes; Council Member Glaspie – yes; Council Member Bell – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

P. Public Appearances **None**

Q. Reports/Announcements

1. Departments

Police Chief Hayes had no report.

Fire Chief Hanna had no report.

Civic Center Manager Tait commented that they have senior computer classes offered, and have another one tomorrow at one pm at the Civic Center.

Community Development Supervisor Peters said that they are working hard on approving building permits and looking at plats.

Public Works Director Henne reminded Council that they authorized him to proceed with the BUILD application, which went in last Thursday, and that the governor's office has expressed an interest in it and he would be meeting tomorrow afternoon to meet with one of their aides.

Council Member Carlson inquired what spurred interest by the Governor's Office.

Mayor Raymond remarked that he was coming into town for other visits and contacted her to pay a visit.

Public Works Director Henne gave a brief update on the status of other projects, noting that they are having some difficulties getting Pacific Power out in a timely manner for the booster station project.

Council Member Carlson commented that he received numerous phone calls about their garbage collection company leaving trash along Goodlander, that they don't come to a complete stop and if trash falls out they keep going.

Public Works Director Henne noted that it has been windy too, and said that they can have a conversation with them.

Council Member Carlson reiterated that the comments to him were that they don't come to a complete stop.

City Administrator Wayman remarked that he's had that conversation with them before and they'll probably have to call them again.

Council Member Underwood commented that the one that goes down her road really goes fast.

Human Resources Manager Potter said that they had a very successful interview process for court clerk administrator position, as Court Clerk Ibarra is leaving on the thirty-first, and they have hired Anita Garcia, who will likely come in with the judge to be introduced sometime next month. He said that she's been able to adjust to come in for three hours a days starting last Thursday, and is scheduled to start full time on Monday. He noted that trying to organize union negotiations has been hard, giving a brief update on the challenges and delays.

Clerk/Treasurer Novobielski remarked that the Police radio budget adjustment, on the Consent Agenda, had a rebate available that was reflected on the budget adjustment. He commented that they probably received notification of the 2019 budget calendar, adding that the last week of September is when the City Council would be meeting with department heads.

Council Member Glaspie requested that he repeat the dates.

Clerk/Treasurer Novobielski replied that they didn't start too early in the morning, it would be nine to four or something like that. He ended by saying that the sales taxes for July came in slightly higher than last year, almost right on budget.

City Attorney Noe had no report.

2. Council Members

Council Member Dufault thanked his colleagues for a productive meeting, saying that he thinks they got the job done. He felt they have set a highly irregular and extraordinary task for the Mayor, City Administrator and City Attorney, and wanted to see that recognized and presume their good faith in this process. He went on to say that he feels they, as a Council, stretched their responsibilities to the edge of their limits, and that the reason he supported the lease for the pool is because he felt they don't have a choice in the matter, although he still believes it to be highly imprudent.

Council Member Matson gave a brief summary of the Volunteer Park committee meeting on Tuesday; saying that they walked the park and noticed quite a few things that they felt could be addressed.

City Administrator Wayman asked who they had attend from City staff.

Council Member Matson responded that they had nobody.

City Administrator Wayman commented that they need them there and suggested a representative from Public Works.

Council Member Matson thought it would help them to move forward more quickly

Council Member Glaspie expressed her thanks to everyone, saying that she understands she is putting a constraint on staff and appreciates them doing this.

Council Member Bell had no report.

Council Member Underwood had no report.

Council Member Carlson remarked that these are very extenuating circumstances, and that by allowing the SPRSA to be successful Council is supporting and not restricting them. .

3. City Administrator

City Administrator Wayman had no report.

4. Boards **None**

5. Mayor

Mayor Raymond observed that this is a new M&O levy with more money, not a renewal. She noted that Council Member Tierney had requested that they hold the vote as he had something to say on it, but she could tell from the discussion that would be a no anyway. She announced that Council Member Underwood has received her certificate of municipal leadership from the Association of Washington Cities (AWC).

P. Executive Session **None**

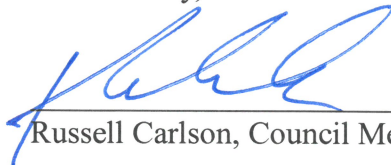
Q. Adjournment

Council Member Dufault moved, and Council Member Matson seconded, that the meeting be adjourned. By voice vote, approval was unanimous.

The meeting adjourned at 7:20pm.

EXCUSED

John Tierney, Council Member

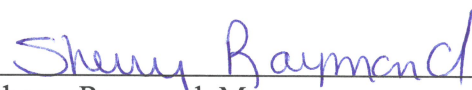

Russell Carlson, Council Member

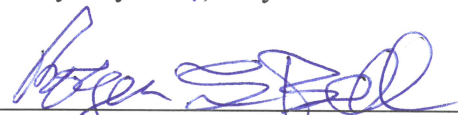
Jeremie Dufault, Council Member

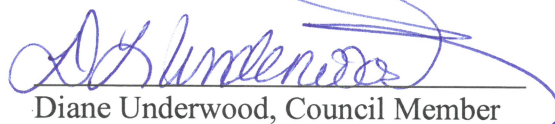

Jacquie Matson, Council Member

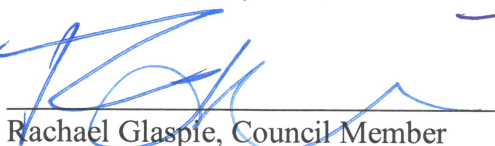
ATTEST:


Dale E. Novobielski, Clerk/Treasurer


Sherry Raymond, Mayor


Roger Bell, Council Member


Diane Underwood, Council Member


Rachael Glasple, Council Member